

From: ["Wood, Nicole" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=47D8E6432A4B466CBE54A5B1F6E1C402-NWOOD>](#)  
To: [Saric](#)  
[James.Synk](#)  
["Polly <"](#)  
["\\\(AG\\\)>"](#)  
CC: ["Bucholtz, Paul \\\(DEQ\\\)" <BUCHOLTZP@michigan.gov>](#)  
Date: 1/7/2014 9:33:40 AM  
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

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Thanks, Jim.

Let \$B!G (Bs try to set up a call this month to resolve this issue.

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**From:** Saric, James  
**Sent:** Monday, January 06, 2014 2:45 PM  
**To:** Wood, Nicole; Synk, Polly (AG)  
**Cc:** Bucholtz, Paul (DEQ)  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

In looking at this guidance it appears to me that certainly the CWA is an ARAR, and there will be compliance with point source discharges, which would be specific to any future remediation conducted. The other issue which was brought up regarding flood plains really focuses on section 2.2.2, page 4. Floodplains and other sediments are non-point sources. It appears Michigan must develop a TMDL for the Kalamazoo river and have estimated load allocations amounts for the contribution from multiple non-point sources such as floodplains and background. There wouldn't be water quality standards developed for these non-point sources. I am not sure if a TMDL has been developed and the allocations from such non-point sources developed. If they are not, how can we expect GP to try and quantify any PCB run-off from floodplains. Afterall, even under section 2.2.2 there is discussion of estimating this amount. So, I would think we need to defer to the State regarding how they judge compliance with the TMDL and related water quality standards for non-point sources.

Jim

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**From:** Wood, Nicole  
**Sent:** Friday, January 03, 2014 11:25 AM  
**To:** Synk, Polly (AG)  
**Cc:** Saric, James; Bucholtz, Paul (DEQ)  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Happy 2014 to you.

I am attaching a recent EPA guidance document that is not exactly germane to the CWA issues at our site, but nonetheless provides a useful (and brief) discussion on the interface between CERCLA and the CWA at sediment sites. See pages 2 through 8.

We probably should catch up on this sometime in the next few weeks.

Hope all is well with everyone.

Nicole

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**From:** Synk, Polly (AG) [<mailto:SynkP@michigan.gov>]

**Sent:** Friday, November 08, 2013 3:27 PM

**To:** Wood, Nicole

**Cc:** Saric, James; Bucholtz, Paul (DEQ)

**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi Nicole – I did not forget this, but should have let you know I was working on it – sorry to have left this hanging out there. I needed to speak to some water division folks to better understand their application of antidegradation requirements, and we did that – there are some details I am waiting to hear back on from them, but I should be ready to discuss early next week.

In the meantime, they asked how the EPA plans to list, or not, the CWA antideg requirements as a federal ARAR here.

Tuesday all day and Friday morning next week look pretty clear for me. I don't know if I will have complete info, but we can start the ball rolling. Thanks, Nicole –

Polly

Polly A. Synk

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**From:** Wood, Nicole [<mailto:wood.nicole@epa.gov>]  
**Sent:** Thursday, October 31, 2013 3:30 PM  
**To:** Synk, Polly (AG)  
**Cc:** Saric, James; Bucholtz, Paul (DEQ)  
**Subject:** FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Do you have time to talk next week, just lawyers, on the ARARs. I am wondering whether or not you plan on identifying the State antidegradation requirement as an ARAR for the River, I believe it is relevant and appropriate here being that PCBs will remain in the floodplains. I had sent you the guidance that supports that analysis in my previous email from 10/22/13.

Also, I think that the language I excerpted below from the attached document is incorrect: guidance documents can never be ARARs because they are not requirements, the PCB criterion of  $3.9 \times 10^{-6}$  ug/L is not enforceable under federal law, so I think it needs to be only a TBC, unless of course the State has rules or regulations that require that number to be met.

Section 2.3.1.3, page 2 (B4, Water) (Specific ARARs: Great Lakes Water Quality Guidance (PCB criterion of  $3.9 \times 10^{-6}$  ug/L) and MDCH fish consumption advisory (B) (B) trigger levels (B) (B) are identified as TBCs. The PCB criterion of  $3.9 \times 10^{-6}$  ug/L should be considered relevant and appropriate.

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**From:** Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]  
**Sent:** Thursday, October 31, 2013 1:48 PM  
**To:** Fortenberry, Chase  
**Cc:** Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; [Jeff.Keiser@CH2M.com](mailto:Jeff.Keiser@CH2M.com); Todd King; Wood, Nicole; Synk, Polly (AG); Devantier, Daria W. (DEQ); Saric, James  
**Subject:** RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are MDEQs preliminary draft comments on the revised Area 1 FS. We will continue to refine the comments and I will let you know if any remaining issues come to light. As Jim mentioned, we are continuing to work on ARAR related issues with EPA.

Let me know if you need to discuss any of the comments in more detail. We will continue to be available as we work through the issues and develop a final document.

Paul

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**From:** Saric, James [<mailto:saric.james@epa.gov>]

**Sent:** Wednesday, October 30, 2013 3:13 PM

**To:** Fortenberry, Chase

**Cc:** Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Bucholtz, Paul (DEQ); [Jeff.Keiser@CH2M.com](mailto:Jeff.Keiser@CH2M.com); Todd King; Wood, Nicole

**Subject:** EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are EPA \$B!G (Bs preliminary draft comments on the Operable Unit 5, Area 1 revised Feasibility Study document. EPA may have additional comments, as we are working with MDEQ on a few remaining ARAR issues. We will get back to you with any further comments regarding those in the next couple weeks. Also, MDEQ will be sending you their draft comments on the Area 1 FS as well in the next few days.

Please give me a call to discuss how to address these before our 11/21 meeting. Also, we are available to discuss any of these comments before the meeting. We look forward to working with you to resolve these issues.

Thanks

Jim Saric

U.S. EPA Region 5

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